IN THE HIGH COUR OF UTTARANCHAL AT NAINITAL.

Civil Misc. Writ Petition No. 3112 (M/S) of 2001
(Old No.5878 of 1997)

Krishi Utpadan Mandi Samiti,
Manglor, District Saharanpur
(Now Hardwar) .... Petitioner

Versus

The Presiding Officer,Labour
Court (2) U.P., Meeruti and another. .... Respondents

.....

Hon'ble P.C.Verma,J.

Heard the learned counsel for the petitioner and leaned counsel for respondent No.2.

This petition has been filed by the petitioner challenging the award dated 24.10.1996 , whereby the Labour Court held that the termination of services of the workman from 21.02.1974 was illegal and improper and directed the petitioner to reinstate the workman/respondent No.2 in service with back wages and other service benefits.

The learned counsel for the petitioner submitted that the reference was belated and on this ground the award was liable to be dismissed. No other point pressed.

The case of the respondent No.2 is that he worked as Kaamgar from 01.01.1970 to 21.02.1974 with the employer-establishment on temporary basis but on 21.02.1974 his services were terminated without giving prior notice to him and without complying the provisions of Section 6-N of the U.P.Industrial Disputes Act.

I have perused the order passed by the Labour Court. The Labour Court has dealt with the point of delay in filing the reference. I find that there is no illegality or infirmity

in the order of Labour Court but keeping in view the delay in filing the reference, the award is liable to be modified.

According, the impugned award is modified only to the extent that the respondent No.2 shall get fifty per cent of back wages only. Subject to above, the writ petition is dismissed.

(P.C.Verma,J.)

23.09.2003
P.Singh